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Attorneys for Plaintiff LTTB LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LTTB LLC, a California limited liability  
company,  
  
Plaintiff,  
  
v.  
  
REDBUBBLE, INC., a Delaware corporation,  
  
Defendant.

Case No.: 3:18-cv-509-RS

**DECLARATION OF JEFFREY E.  
FAUCETTE IN SUPPORT OF  
PLAINTIFF LTTB LLC'S NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT AND  
OPPOSITION TO DEFENDANT  
REDBUBBLE'S MOTION FOR  
SUMMARY JUDGMENT**

Date Action Filed: January 23, 2018

Hearing: June 13, 2019  
Time: 1:30 p.m.  
Place: Courtroom 3, 17th Floor  
Judge: Hon. Richard Seeborg

1 I, Jeffrey E. Faucette, declare as follows:

2 1. I am counsel of record to Plaintiff LTTB, LLC (“LTTB”) in the above-captioned  
3 action. I make this declaration in support of Plaintiff LTTB, LLC’s Motion for Summary  
4 Judgment and in opposition to Defendant Redbubble, Inc.’s Motion for Summary Judgment.  
5 Unless otherwise stated, I have personal knowledge of the facts stated in this declaration. If called  
6 upon to do so, I could and would competently testify to the facts stated herein.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the  
8 Deposition of Redbubble, Inc. through its designated representative James N. Toy.

9 3. Attached hereto as Exhibit 2 is a true and correct copy of a document produced by  
10 Redbubble in this litigation (Bates numbered BATES004267-4293) and marked as Exhibit 16 to  
11 the deposition of Redbubble.

12 4. Attached hereto as Exhibit 3 are true and correct copies of documents produced by  
13 Redbubble in this litigation. These documents were marked as Exhibit 25 to the deposition of  
14 Redbubble, and counsel for Redbubble stipulated to their admissibility during the deposition. The  
15 documents have been reordered to chronological order rather than Bates number order.

16 5. Attached hereto as Exhibit 4 is a true and correct copy of an order issued recently in  
17 *Williams-Sonoma, Inc. v. Amazon.com, Inc.*, No. 18-cv-07548-EDL, 4-6 (N.D. Cal. May 2, 2019).  
18 This order is not yet available on Westlaw.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of Redbubble’s Annual  
20 Report 2018 which I downloaded from the internet.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct. Executed this 13th day of May, 2019.

23  
24 /s/

25 Jeffrey E. Faucette  
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